

RECEIVED

IN THE UNITED STATES DISTRICT COURT  
FOR THE THIRD CIRCUIT

AUG 09 2018

United States of America

:

: Civil Action No. 17-2641

v.

: Criminal Case No. 3:12-CR-204-01 (MLC)

:

C. Tate George  
(Petitioner)

:

Chambers of  
Anne E. Thompson, U.S.D.J.

PETITIONER'S MOTION TO EXPEDITE PETITIONER'S 2255  
HABEAS CORPUS FILING WITH THIS COURT UNDER  
RULE 5 "THE ANSWER AND THE REPLY".

NOW before the Court, Petitioner C.Tate George's pro se Motion to Compel the Court to Expedite a Ruling on his Case for Relief requested in his pending §2255 petition before the Court. The Government has clearly decided that they will not respond to the Petition; even after the Court's repeated Court Orders to do so. The Government's lack of follow-through and total disregard to the Court without question violates Rule 5 under the procedural Rule of Law.

In addition under the Rule of Law, Rule 1: Scope and Purpose, it states:

The Rules govern the Procedure in all civil actions and proceedings in the United States District Court, except as stated in Rule 81. They should be constructed, administered and employed by the Court and the parties to "secure the just, speedy and inexpensive determination of every action and proceeding." (History:)(Amended April 29, 2015)(eff. Dec 1, 2015).

This Motion is filed due to the Government's constant (more than a year long) delays/excuses and blatant disregard to follow the Rule of Law and direct Court Orders to respond, such as:

- 1) On August 28, 2017 - Court set a scheduling date for 60 days for the Government to respond. The Government missed the deadline by almost 30 days, and the Court issued an Order to Show Cause.

- 2) On November 27, 2017 - The Court per the Government pleas, vacated the Order and issues another Order with a January 21, 2018 Response deadline for the Government (even after giving no legitimate reason why they missed the Response Date ordered).
- 3) On March 8, 2018 - The Court issued yet another Order allowing until April 30, 2018 and so further ordered "that no further extension of time will be permitted." This Order was not adhered to because on April 30, 2018, the Court signed an Order on the very Government request letter/document provided to the Court at the 11th hour of the deadline date for the Government to respond (Exhibit attached). The excuse given in this letter has been repeated on at least two (2) different occasions to grant almost a total of six (6) months (and counting) to reply to Petitioner's 2255 filing.
- 4) As of this filing August 1, 2018, the Government once again failed to meet the Court-ordered deadline to respond of July 31, 2018 (Same exhibit attached).

The Motion to Expedite of the Moving Party must file a motion within 14 days of the occurrence that is the basis of the motion. This motion is timely filed and the parties have not agreed upon a proposed briefing schedule; but, the Petitioner seeks a remedy by which the Court can proceed to a ruling on his 2255 Petition. (Rule 4.1 Motion to Expedite) in favor of the Petitioner.

WHEREFORE, the Petitioner, C. Tate George, pro se, hereby respectfully requests this Honorable Court to enter a Ruling in this instant matter and to Grant habeas corpus relief in this matter AS A MATTER OF LAW to include the VACATION of his sentence; his immediate release from custody; and for

such other and further relief deemed proper and necessary in the interests of justice.

DATED: *August 1, 2018*

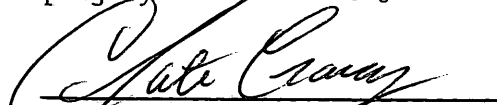
Respectfully Submitted



C. Tate George, pro se  
Fed. No. 63223-050  
LSCI Allenwood  
PO BOX 1000  
White Deer, PA 17887


AFFIDAVIT

I HEREBY CERTIFY that the foregoing facts are true and correct to the best of my knowledge and belief upon pain of perjury under 28 USC §1746.

  
C. Tate George, pro se

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the following motion to expedite 2255 Habeas Corpus filing was mailed on this 1<sup>st</sup> day of August, 2018, by first-class mail, postage prepaid to: Zack Intrader, AUSA Office of the U.S. Attorney, 970 Broad Street, Rm. 700, Newark, NJ 07102.

  
C. Tate George, pro se



**U.S. Department of Justice**

*United States Attorney  
District of New Jersey*

970 Broad Street, 7<sup>th</sup> Floor 973-645-2700  
Newark, New Jersey 07102

April 30, 2018

**VIA ECF**

Honorable Anne E. Thompson  
United States District Judge  
Clarkson S. Fisher U.S. Courthouse  
402 East State Street  
Trenton, NJ 08606

Re: Tate George v. United States, 17-2641 (AET)

Dear Judge Thompson:

Please accept this letter to respectfully request additional time to respond to Petitioner's § 2255 petition on this matter.

The undersigned is scheduled to be begin a trial before Your Honor on May 15, 2018. The Government would therefore respectfully request a response date of July 31, 2018, to respond to the petition.

**RECEIVED**

**APR 30 2018**

AT 8:30  
WILLIAM T. WALSH  
CLERK

Respectfully submitted,  
CRAIG CARPENITO  
United States Attorney  
S/ Zach Intrater  
By: Zach Intrater  
Assistant U.S. Attorney

N Steiner  
c/o C. Tate George  
2414 28th St  
Astoria NY 11102

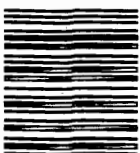
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Judge Anne Thompson  
402 E. State St  
Trenton NJ 08608

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